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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/687,477 | 10/15/2003 | Arno Schaepe | DEF-001 | 7961 |

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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT PAPER NUMBER

2167

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,477

Applicant(s)

SCHAEPE ET AL.

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-32 are presented for examination.

PRIORITY

2. Applicant has complied and receives the benefit of priority of an earlier filing date under 35 U.S.C. 119(a-d) to German DE Patent Application 10248013.3 filed October 15, 2002.

INFORMATION DISCLOSURE STATEMENT

3. The information disclosure statements filed on August 25, 2004, complies with the provisions of MPEP § 609. They have been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 14, 17, 18, 30, and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 1, 18, 30, and 31 recites (a) a data object network and a data unit network, (b) a class object network and a class unit network, and (c) a algorithm object network and a algorithm unit network

The limitations consisting of elements a-c noted above are difficult to interpret. The examiner requests that the applicant kindly provide further descriptive detail information regarding data, class, and algorithm.

Claims 14 and 17 recite a special processing object, clarification on the type or kind of claim limitation that is being considered special is requested.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1, 18, 30, and 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

MPEP 2106 IV.B.2.(b)

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

8. Claims 1, 18, 30, and 31 are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a

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practical application within the technological arts. **The use of a computer has not been indicated.**

These claims do not indicate the use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer. In other words the software must be computer-readable executed on a computer. The use of a computer is not evident in the claims. MPEP 2106.IV.B1(a) refers to "computer-readable" medium with computer program encoded on it."

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Bergan et al. (Pat. No. 6,944,603 B2 filed June 24, 2001; Foreign Application Priority Data to EP 00113437 filed June 24, 2000).

11. Regarding Claims 1, 18, 30, and 31, Bergan teaches a fractal semantic network generator.

The method and associated system for a fractal semantic network generator as taught or suggested by Bergan includes:

mapping an input data into a data object network (col. 4, lines 54-67), input data comprising semantic units (col. 4, lines 54-67), wherein a semantic cognition network comprises data object network (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67), a class object network and a processing object network (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67), semantic cognition network using a set of algorithms to process semantic units (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67); defining a processing object in processing object network by selecting a data domain in a data object network (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67), a class domain in a class object network and an algorithm from a set of algorithms (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67), processing an object comprising a data domain and class domain and an algorithm (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67); processing semantic units in processing object network using processing object (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67).

12. Regarding Claims 2 and 15, Bergan teaches multiple times occurs in parallel (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67).

13. Regarding Claim 3, Bergan teaches linking plural processing objects are linked with each other to form an execution control based on linking plural processing objects (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67).

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14. Regarding Claim 4, Bergan teaches executing plural processing objects as sub-processing objects, executing plural processing objects in series or executing plural processing objects in parallel (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67).

15. Regarding Claim 5, Bergan teaches each time processing additional semantic units (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67).

16. Regarding Claim 6, Bergan teaches a control structure taken from the group of a loop, a branch, a function call, a jump and an execution control (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67).

17. Regarding Claim 7, the limitations of this claim has been noted in the rejections of claims 1, 18, 30, and 31 above. It is therefore rejected as set forth above.

18. Regarding Claim 8, Bergan teaches semantic cognition network uses classifying link objects to process semantic units, wherein data object network and class object network are linked together via classifying link objects (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67, col. 7, lines 1-59).

19. Regarding Claim 9, Bergan teaches data object network and processing object network are linked together via link objects that are dynamically generated during processing based on data domain (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67, col. 7, lines 1-59).

20. Regarding Claims 10-13, 19-29, and 32, the limitations of these claims have been noted in the rejections above. They are therefore rejected as set forth above.

21. Regarding Claims 14, 16, and 17, the limitations of this claim has been noted in the rejections above. In addition, Bergan teaches special processing objects comprises

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data domain, morphological operation with semantic units (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67, col. 7, lines 1-59), secondary semantic units with a best-fitting one of semantic units in additional class domain and accepting or rejection one secondary semantic unit according to fit (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67, col. 7, lines 1-59), and tertiary semantic unit fulfills a predetermined criterion (col. 4, lines 54-67, col. 5, lines 1-52, col. 6, lines 1-67, col. 7, lines 1-59).

NAME OF CONTACT

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Cheryl Lewis". The signature is fluid and cursive, with the first name "Cheryl" being more prominent than the last name "Lewis".

Cheryl Lewis
Patent Examiner
April 12, 2006